



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

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Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

June 1, 2005

Mr. Tom Gyuro
Bluffdale Sand and Gravel
5635 Waterbury Way, Suite C-100
Salt Lake City, Utah 84121

Subject: Revegetation Requirements for Housing Alternate Postmining Land Use, Bluffdale Sand and Gravel, Bluffdale Sand and Gravel Mine, S/035/022, Salt Lake County, Utah

Dear Mr. Gyuro:

This letter is in response to your request for information about revegetation requirements on a site with a "residential" postmining land use.

Rule R647-3-109.5 requires that the land be left in a condition to support the postmining land use. At your sites in Bluffdale, the Division considers the current postmining land uses to be wildlife habitat and grazing which require that the land be revegetated in accordance with R647-3-109.13. We can approve a change in the land use if you provide evidence that a different use is feasible and that there is a reasonable likelihood the use will be achieved. In the case of a housing development, we would expect to see plans that have been approved by the local government entity.

Although rule R647-3-109-13 requires that a mine operator establish a certain amount of vegetation and that the vegetation survive three growing seasons, the Division has the ability to approve a variance from this requirement if it is adequately justified. Rule R647-3-110 says:

1. The operator may request a variance from Rule R647-3-107, 108, or 109 by submitting the following information which shall be considered by the Division on a site-specific basis:
 - 1.11. The rule(s) as to where a variance is requested;
 - 1.12. The variance requested and a description of the area that would be affected by the variance;

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- 1.13. Justification for the variance;
- 1.14. Alternate methods or measures to be utilized.
2. A variance shall be granted if the alternative method or measure proposed will be consistent with the Act.
3. Any variance must be specifically approved by the Division in writing.

If the Division approves a change in the postmining land use from wildlife habitat and grazing to residential, there is justification for a variance from the requirement that vegetation survive three growing seasons. The operator would need to request the variance. Once the variance was approved and the site was in a condition capable of supporting the postmining land use, **the Division could release the reclamation bond, and there would be no need to wait three years to ensure survival of the vegetation.** The site would need to be graded to be compatible with the land use, and any hazards to the public or the environment would need to be eliminated. We would generally expect the operator to plant temporary vegetative cover.

I hope this answers your questions. Please contact me at 801-538-5258 or Paul Baker at 801-538-5261 if you need more information.

Sincerely,



Susan M. White
Mining Program Coordinator
Minerals Regulatory Program